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BY: Pamela Wright

DATE: August 31, 2001

PATENT
BOX RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 1633
Darwin J. Prockop *et al.* :
Appln. No.: 09/028,395 : Examiner: Janet M. Kerr
Filed: February 24, 1998 :
For: ISOLATED STROMAL CELLS FOR USE : Attorney Docket
IN THE TREATMENT OF DISEASES OF : No. 9598-32US
THE CENTRAL NERVOUS SYSTEM : (53844-5002-00)
: AUHS-318

TECH CENTER 1600/2900

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PRELIMINARY AMENDMENT

This Preliminary Amendment is being filed simultaneously with a Request for Continued Examination (RCE) pursuant to 37 C.F.R. §1.114, filed in connection with the above-captioned application. This Preliminary Amendment responds to the Office Action mailed February 14, 2001 (Paper No. 17), in light of the understanding reached with Examiner Kerr and Supervisory Patent Examiner (SPE), Deborah J.R. Clark, at the interview of August 6, 2001, as memorialized in the Interview Summary dated August 6, 2001 (Paper No. 18).

This Preliminary Amendment is being timely filed in view of the Notice of Appeal filed in the above-captioned application on August 10, 2001, which extends the time for filing a RCE, or otherwise taking action in this application, through and to October 10, 2001.

In response to the Office Action dated February 14, 2001, and per the Interview Summary of August 6, 2001, kindly amend the application as follows.

In the Claims:

Please amend claims 1 and 19, without prejudice, as indicated below and in the marked-up copy of the claims, which is attached hereto as a separate sheet.